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10/651,076	08/28/2003	**Michael Grannan**	1033-SS00415	7264

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GREGG, MARY M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/651,076	GRANNAN ET AL.	
	Examiner	Art Unit	
	MARY GREGG	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/29/2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,16-24,42-51 and 53-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10, 16-24, 42-51 and 53-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office Action in response to communications received June 29, 2009. Claim 11-15 and 29-41 have been withdrawn. Claims 25-28 and 52 have been canceled. Claims 1, 8, 10, 16, 53-54, 56 and 59-62 have been amended. No new claims have been added. Therefore, claims 1-10, 16-24, 42-51 and 53-62 are pending and addressed below.

Response to Amendments/Arguments

Claim Rejections - 35 USC § 101

2. Applicant's amendments with respect to claims 8-10 and 59-60 are sufficient to overcome the 35 USC 101 rejections set forth in the previous Office Action. The examiner withdraws the rejections.

Claim Rejections - 35 USC § 103

Applicant's arguments with respect to claims 1-2, 4-5 and 53-57 rejected as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al., in view of US Patent No. 6,822,663 B2 by Wang et al. have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 3 and 6-7 rejected as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al., in view of US Patent No. 6,822,663 B2 by Wang et al. and further in view of US Patent No. 7,290,288 B2 by Gregg et al. have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 58 rejected as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al., in view of US Patent No. 6,822,663 B2 by Wang et al., and further in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb). have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 8-10 and 59-60 rejected as being unpatentable over US Patent No. 7,203,066 B2 by Abburi et al. and further in view of US Patent No. 6,822,663 B2 by Wang et al. have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 16-24, 50 and 61-62 rejected as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. and in view of US Patent No. 7,203,066 B2 by Abburi et al. have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to claim 51 rejected as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. and further in view of US Patent No. 7,203,066 B2 by Abburi et al. and further in view of US Patent No. 7,213,005 B2 by Maurad et al. have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-10, 16-24, 42-51 and 53-62 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In reference to Claims 1, 8 and 16:

Claims 5, 11, 17 and 44 cites in the body the limitation "wherein the new usage rights invalidate permission to play the previously accessed media asset at the ftrst subscriber media device and validate permission to play the previously accessed media asset at a second subscriber media device" which has not been described in the originally present written descriptions or represented in drawings and therefore, constitutes new matter. Appropriate correction is required.

In reference to Claims 2-7, 9-10, 17-24, 42-51 and 53-62:

Claims 2-7 and 53-58 depend upon claim 1 and contain the same deficiencies cited above, therefore, claims 2-7 and 53-58 are also rejected under 35 USC 112, 1st paragraph for new matter.

Claims 9-10 and 59-60 depend upon claim 8 and contain the same deficiencies cited above, therefore, claims 9-10 and 59-60 are also rejected under 35 USC 112, 1st paragraph for new matter.

Claims 17-24, 50-51 and 61-62 depend upon claim 16 and contain the same deficiencies cited above, therefore, claims 17-24, 50-51 and 61-62 are also rejected under 35 USC 112, 1st paragraph for new matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-2, 4-5 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al. (Mau), and in view of US Patent No. 7,395,438 B2 by Parks et al. (Parks)

In reference to Claim 1:

Mau teaches:

(Currently amended) A content broker system comprising: memory to store a device profile table accessible by a content broker module ((Mau) FIG. 3, Col 7 lines 5-15);... and a content broker process server including the content broker module, the content broker module to provide to a third party content provider the ...wherein the list

of media formats is retrieved from the memory ((Mau) Col 61 lines 19-26);... and acquire new digital rights license key from the third party content provider ((Mau) Col 10 lines 19-20, 23-28) in response to a subscriber request, the new digital rights license key to authorize the set of new usage riqhts ((Mau).

Mau suggest:

... the device profile table including a list of media formats that can be played at a first subscriber media device ((Mau) FIG. 1A ref# 160; Col 61 lines 20-36)... list of media formats that can be played at the first subscriber media device ((Mau) Col 9 lines 66-67, Col 61 lines 25-30,...provide to the third party a set of new usage rights associated with a previously accessed media asset; ((Mau) Col 12 lines 2-7, 25-35, Col 14 lines 7-25, Col 22 lines 20-30, Col 26 lines 10-20, Col 30 lines 35-60, Col 39 lines 57-67, Col 46 lines 65-67, Col 47 lines 1-19, Col 50 lines 11-28, Col 78 lines 40-60).

Mau does not explicitly teach:

...wherein the new usage rights invalidate permission to play the previously accessed media asset at the ftrst subscriber media device and validate permission to play the previously accessed media asset at a second subscriber media device; ...

Parks teaches explicitly:

... the device profile table including a list of media formats that can be played at a first subscriber media device ((Parks) Fig. 1-4, 11-13, Col 4 lines 20-40)... list of media formats that can be played at the first subscriber media device ((Parks) FIG. 1-4, 11-13, Col 4 lines 20-40,...provide to the third party a set of new usage rights associated with a previously accessed media asset ((Parks) Col 4 lines 40-47, Col 8 lines 45-55, Col 38

lines 63-67, Col 39-24032, 45-50)... wherein the new usage rights invalidate permission to play the previously accessed media asset at the ftrst subscriber media device and validate permission to play the previously accessed media asset at a second subscriber media device; ...((Park) Col 4 lines 40-47, Col 37 lines 52-67, Col 38 lines 62-67, Col 39 lines 15-50, Col 40 lines 44-67, Col 41 lines 14-40, Col 42 lines 5-23).

Both Mau and Parks are explicitly directed toward usage rights with respect to various devices. Parks teaches the motivation to invalidate usage for previously usage granted device because the devices are considered non-trustworthy. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art elements according to known methods to yield predictable results as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 2:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the content broker process server has access to a database maintaining a media asset table ((Mau) Col 61 lines 20-22, that includes data associated with the acquired media content, the data received from the content broker module, the data including a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a

distributor unique content ID, and a distributor identifier ((Mau) Fig. 14, FIG. 23-24, FIG. 30-38)

In reference to Claim 4:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the content broker process server has access to a database maintaining a media asset table ((Mau) Col 61 lines 20-22, that includes data associated with the acquired media content, the data received from the content broker module, the data including a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier ((Mau) Fig. 14, FIG. 23-24, FIG. 30-38)

In reference to Claim 5:

The combination teaches:

(Previously Presented) The content broker hosting service module system of claim 1 (see rejection of claim 1 above), further comprising a network interface that uses standard web services protocols to communicate with the third party content provider ((Mau) FIG. 6; Col 25 lines 60-61).

In reference to Claim 53:

The combination teaches:

(Currently Amended) The content broker system of claim 1 (see rejection of claim 1 above), wherein the set of new usage rights comprise a right to store the previously

accessed media asset on a specified device ((Mau) Col 10 line 67, Col 11 lines 1-3, Col 14 lines 6-25).

In reference to Claim 54:

The combination teaches:

(Currently Amended) The content broker system of claim 1 (see rejection of claim 1 above), wherein the set of new usage rights comprise a right to store the previously accessed media asset in a specified format ((Mau) Col 10 line 67, Col 11 lines 1-3, Col 14 lines 6- 25)

In reference to Claim 55:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim1 above), wherein the memory is further to store a log of media assets previously purchased ((Mau) Col 14 lines 6-10).

In reference to Claim 56:

The combination teaches:

(Currently Amended) The content broker system of claim 1 (see rejection of claim 1 above), wherein the content broker module is further to provide to the third party content provider a license key obtained when the previously accessed media asset was purchased ((Mau) Col 14 lines 12-14)

8. Claims 3 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Patent No. 7,213,005 B2 by Maurad et al. (Mau), and US Patent No. 7,395,438 B2 by Parks et al. (Parks) as applied to claim 1 above, and further in view of US Patent No. 7,290,288 B2 by Gregg et al. (Gregg).

In reference to Claim 3:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above),...

The combination does not teach:

...further comprising a single sign-on identity service, to maintain user accounts and authentication credentials including a password and biometric information.

Gregg teaches:

...further comprising a single sign-on identity service ((Gregg) FIG. 11, FIG. 16, FIG. 17, FIG. 24), to maintain user accounts and authentication credentials including a password and biometric information ((Gregg)Abstract lines 7-12, Col 1 lines 55-60, 62-63, Col 2 lines 1-5, 7-12, Col 5 lines 28-32).

Both the combination and Gregg explicitly teach transactions over the internet, which Gregg teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes or vulnerable to fraud and that authentication of clientele through unique digital identification and or a

biometric identification is desired when generating network transactions as it protects the consumer and the network provider. The combination teaches not only internet transactions but also tracking transactions with transaction ID's. The combination also teaches a need to ascertain and identifying multiple distinct user of a single player application though an identification process at the logging site ((Mau) Col 96 lines 27-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of the combination to include the login in processes of Gregg in order to control account holder access, connect account data and beef up the transaction ID as taught by the combination.

In reference to Claim 6:

The combination Mau and Wang teach

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), ...and device profile information ((Mau) FIG. 18; Col 26 lines 50-51)

The combination does not teach:

... wherein the third party content provider uses single sign-on credentials to a user's subscription to a hosting service and to initiate requests to obtain user ....

Gregg teaches:

... wherein the third party content provider uses single sign-on credentials to a user's subscription to a hosting service and to initiate requests to obtain user .... ((Gregg) FIG. 16; Col 16 lines 15-34, 63-65)

Both the combination and Gregg explicitly teach transactions over the internet, which Gregg teaches is typically untrusted ((Gregg) Col 1 lines 13-14). Gregg teaches a

need when transactions are enacted over unsecured networks for businesses to protect assets. In generating internet revenue Gregg teaches there must be control over account holder access, transaction tracking, account data and billing ((Gregg) Col 1 lines 18-21). Gregg additionally teaches that password schemes or vulnerable to fraud and that authentication of clientele through unique digital identification and or a biometric identification is desired when generating network transactions as it protects the consumer and the network provider. The combination and Gregg also teach media purchases and are therefore overlapping in subject matter. Additionally, the combination teaches not only internet transactions but also tracking transactions with transaction ID's. The combination also teaches a need to ascertain and identifying multiple distinct user of a single player application though an identification process at the logging site ((Mau) Col 96 lines 27-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the teachings of the combination to include the login in processes of Gregg in order to control account holder access, connect account data and strengthen the transaction ID and logging identification as taught by the combination.

In reference to Claim 7:

The combination teaches:

(Previously Presented) The content broker system of claim 6 (see rejection of claim 6 above), wherein the content broker module receives media content information, media file content, and rights usage license keys ((Mau) FIG. 6, FIG. 8-9, FIG. 12; Col

43 lines 14-45, Col 44 lines 62-64, Col 46 lines 18-20, 46-49, 62-63, 65-68) in response to a content purchase request by the user ((Mau) FIG. 10; Col 45 lines 49-52)

9. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al. (Mau), in view of US Patent No. 7,395,438 B2 by Parks et al. (Parks) as applied to claim 1 above and further in view of US Patent No. 6,822,663 B2 by Wang et al. (Wang)

In reference to Claim 57:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the device profile table further includes...

The combination does not explicitly teach:

... device portability information

Wang teaches:

... device portability information ((Wang) Col 2 lines 30-40)

The combination teaches disparate formatting requires for specific devices and teaches keys available for the multiple devices. The combination teaches a metadata template the includes data fields required by end-user devices. Wang teaches that many devices do not have the capability of other devices ((Wang) Col 1 lines 39-41). Wang teaches a graphical layout to display a number of device types and then list of device names for the user to chose from ((Wang) Col 9 lines 30-35, 45-49). The combination teaches a database that is user accessible provided by the Content Provider to retrieve as much data as possible ((Mau) Col 61 lines 20-21), where the Content provider can tailor the

template to identify the types data the Content provider can provide the end-user ((Mau) Col 61 lines 24-26). The combination teaches explicitly that the user condition definitions in Col 62 lines 20- 51, which includes what kinds of media the user can use the copies on. Wang is teaches the motivation of optimizing the source content according to the capacities of the device and teaches a need for a system that allows translation across multiple computer devices for greater convenience. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to expand the combination teachings with the teachings of Wang in order to optimize the source content with the user devices.

10. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,213,005 B2 by Maurad et al. (Mau), and US Patent No. 7,395,438 B2 by Parks et al. (Parks) as applied to claim 1 above, and further in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb).

In reference to Claim 58:

The combination teaches:

(Previously Presented) The content broker system of claim 1 (see rejection of claim 1 above), wherein the device profile table further includes information related to whether a specified subscriber media device includes ((Wang) FIG. 10; Col 10 lines 20-25; ((Mau) Col 14 lines 7-10),...

The combination does not explicitly teach:

... a removable memory

Abb teaches:

... a removable memory ((Abb) Col 7 lines 27-35)

Abb is explicitly teaches licenses synchronized for multiple user devices. As taught by the combination each separate user device not of the same type requires different media formats and teaches of a need for the media data to be formatted for specific device types. Additionally, Wang teaches the motivation to optimize the source content according to the capabilities of the selected device and the flexibility of utilizing content across multiple devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the teachings of Abb which teach using multiple diverse devices the teachings of Wang to optimized media formats for separate user devices.

11. Claims 8-9 and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,066 B2 by Abburi et al. (Abb) and further in view of US Patent No. 7,395,438 B2 by Parks et al. (Parks)

In reference to Claim 8:

Abb teaches:

(Currently amended) A method of distributing content, the method comprising: electronically requesting, by a processor, new usage rights for a previously accessed media asset ((Abb) Col 15 lines 22- 23, Col 16 lines 6-12);...; receiving the content in a media format compatible with the requested new usage rights from at least one of a plurality of content provider websites; receiving from a content provider media characteristics including media format and fidelity, along with the content and a new digital rights license key ((Abb) Col 3 lines 43-49, Col 10 lines 37-42), the new digital

ri,qhts license key to authorize the requested new usage rights ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16- 28)

Abb does not explicitly teach:

... wherein the new usage rights invalidate permission to play the previously accessed media asset at a first subscriber media device and validate permission to play the previously accessed media asset at a second subscriber media device...

Parks teaches explicitly:

... wherein the new usage rights invalidate permission to play the previously accessed media asset at a first subscriber media device and validate permission to play the previously accessed media asset at a second subscriber media device... ...((Park) Col 4 lines 40-47, Col 37 lines 52-67, Col 38 lines 62-67, Col 39 lines 15-50, Col 40 lines 44-67, Col 41 lines 14-40, Col 42 lines 5-23).

Both Abb and Parks are explicitly directed toward usage rights with respect to various devices. Parks teaches the motivation to invalidate usage for previously usage granted device because the devices are considered non-trustworthy. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art elements according to known methods to yield predictable results as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 9:

The combination teaches:

(Previously Presented) The method of claim 8 (see rejection of claim 8 above), further comprising adapting the content with regard to media format, resolution, fidelity, or bit rate to accommodate the requested new usaqe ri,qhts ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

In reference to Claim 59:

The combination teaches:

(Currently Amended) The method of claim 8 (see rejection of claim above), wherein the requested new usage rights include a right to store a previously accessed media asset on a specified device ((Parks) Col 4 lines 28-47, Col 37 lines 55-67; wherein the prior art teaches devices would still be able to accessed from different table of media)

(see rationale supporting obviousness and motivation to combine of claim 8 above)

In reference to Claim 60:

The combination teaches:

(currently amended) The method of claim 8 (see rejection of claim 8 above), wherein the requested new usage rights include a right to store a previously accessed media asset in a specified format ((Abb) in at least Col 10 lines 30-42; (Parks) in at least Col 9 lines 55-65),

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,203,066 B2 by Abburi et al. (Abb) and further in view of US Patent No. 7,395,438 B2 by Parks et al. (Parks) as applied to claim 8 above, and further in view of Us Patent No. 6,822,663 B2 by Wang et al. (Wang)

In reference to Claim 10:

The combination teaches:

(Currently Amended) The method of claim 8 (see rejection of claim 8 above), wherein a hosting service obtains the new digital rights license key ... of the new digital rights license key ((Abb) Col 3 lines 60-67, Col 4 lines 1-10, 16-28).

The combination does not explicitly teach

...and notifies the content provider of receipt ...

Wang teaches:

...and notifies the content provider of receipt ((Wang) Col 10 lines 9-11, Col 14 lines 62-65; wherein in Col 10 Wang teaches when action is done verification notice is sent; wherein Col 14 Wang teaches template includes copyright and content areas in quick message)

The combination teaches explicitly of the new license and key being sent to the user. Wang teaches a message acknowledging copyrights and content areas after adaption is made. A license is permission to use content areas. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a known technique to improve a similar method or product in the same way.

13. Claims 16-19, 21-23 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and in view of US Patent No. 7,395,438 B2 by Parks et al. (Parks)

In reference to Claim 16:

Wang teaches:

(Currently amended) A system to provide a content brokerage service, the system comprising a content broker process server including a content broker module to provide to a subscriber of the content brokerage service access to a remote content provider ((Wang) FIG. 1, FIG. 2; Col 2 lines 32-40, Col 5 lines 49-61), to provide device profile information associated with a media device of the subscriber to the remote content provider ((Wang) FIG. 5-FIG. 8; Col 9 lines 30-39, 44-49); ...and a memory, the memory further to provide the device profile information to the content broker module ((Wang) FIG. 1, FIG. 2, FIG. 5: Col 5 lines 60-65, Col 6 lines 45-46, Col 8 lines 50-60)

Wang suggest but does not explicitly teach:

...and to receive from the remote content provider an updated license key to authorize a set of new usage rights associated with a previously accessed media asset; ...((Wang) Abstract; Col 2 lines 30-40)

Wang does not explicitly teach:

...wherein the new usage rights invalidate permission to play the previously accessed media asset at a first subscriber media device and validate permission to play the previously accessed media asset at a second subscriber media device;...

Park teaches:

... and to receive from the remote content provider an updated license key to authorize a set of new usage rights associated with a previously accessed media asset ((Park) Col 4 lines 19-50, Col 40 lines 1-20) ; wherein the new usage rights invalidate permission to play the previously accessed media asset at a first subscriber media device and validate permission to play the previously accessed media asset at a second

subscriber media device;... ...((Park) Col 4 lines 40-47, Col 37 lines 52-67, Col 38 lines 62-67, Col 39 lines 15-50, Col 40 lines 44-67, Col 41 lines 14-40, Col 42 lines 5-23).

Both Wang and Parks are explicitly directed toward usage rights with respect to various devices. Parks teaches the motivation to invalidate usage for previously usage granted device because the devices are considered non-trustworthy. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the prior art elements according to known methods to yield predictable results as the prior art provides some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention. See MPEP § 214 3.

In reference to Claim 17:

The combination teaches:

(Previously Presented) The system of claim 16 wherein the content broker module is further to facilitate a distribution (see rejection of claim 16 above), ... Wang suggest: ...of the updated license key and media content to the at least one subscriber ((Wang) Col 14 lines 60-65).

The combination does not explicitly teach:

...of an updated license key and media content to the at least one subscriber

Park teaches:

...of an updated license key and media content to the at least one subscriber ((Parks) Col 21 lines 5-67, Col 58 lines 35-50)

(see rationale supporting obviousness and motivation to combine of claim 16 above)

In reference to Claim 18:

The combination teaches:

(Previously Presented) The system of claim 17, wherein the content broker module is to issue a request to the remote content provider to (see rejection of claim 17 above) ... and the media content ((Wang) Col 7 lines 20-25, Col 14 lines 60-65)

The combination does not explicitly teach:

...distribute the updated license key ...

Parks teaches:

...distribute the updated license key ...((Parks) Col 4 lines 30-45, Col 38 lines 62-67)

(see rationale supporting obviousness and motivation to combine of claim 16 above)

In reference to Claim 19:

The combination teaches:

(Previously Presented) The system of claim 18 (see rejection of claim 18 above), wherein the content broker module is to receive a request from the subscriber (see rejection of claim 18 above)...

The combination does not teach:

...to distribute the updated license key to the subscriber

Parks teaches:

...to distribute the updated license key to the subscriber ...((Parks) in at least Col 4 lines 30-45, Col 38 lines 62-67)

(see rationale supporting obviousness and motivation to combine of claim 16 above)

In reference to Claim 21:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the device profile information includes, and a first supported media format of the media device ((Wang) FIG. 10, Col 10 lines 20-25).

In reference to Claim 22:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the device profile information includes a memory address to identify a free memory block suitable to store distributed content data ((Wang) FIG. 1, FIG. 2; Col 6 lines 47-56, Col 9 lines 66-67, Col 10 lines 2-10)

In reference to Claim 23:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the memory is further to store content asset information within a media asset table, the content asset information including, an indicator specifying media format ((Wang) FIG. 10, Col 10 lines 13-25, 50- 52).

In reference to Claim 62:

The combination teaches:

(Previously Presented) The system of claim 16 (see rejection of claim 16 above), wherein the set of new usage rights comprises a right to store (copy) the previously

purchased media asset in a specified format ((Wang) abstract, Col 2 lines 55-60, Col 6 lines 46-55)

14. Claims 20, 24, 50 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and in view of US Patent No. 7,395,438 B2 by Parks et al. (Parks) as applied to claims 16-19 above with respect to claim 20, as applied to claims 16 and 23 above with respect to claim 24; as applied to claims 16 and 21 above with respect to claim 50; as applied to claim 16 above with respect to claim 61; and further in view of US Patent No. 7,203,066 B2 by Abburi et al. (Abb).

In reference to Claim 20:

The combination teaches:

(Previously Presented) The system of claim 19 (see rejection of claim 19 above),...

The combination does not explicitly teach:

...wherein the content brokerage service is to receive notification that an original content file is no longer accessible before the content broker module receives the request for the updated license key.

Abb teaches:

...wherein the content brokerage service is to receive notification that an original content file is no longer accessible before the content broker module receives the request for the updated license key ((Abb) FIG. 1, FIG. 12, FIG. 21).

Both the combination and Abb are explicitly directed toward accessing source material for computer devices. Furthermore, the combination and Abb teach that source data have limited accessibility. Additionally the combination teaches that the user receives messages on content and copyright. Abb teaches that license keys are used as a security measure on allowing access to source data. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wang and Abb to have information on the accessibility of source data that has security access protocols

In reference to Claim 24:

The combination teaches:

(Previously Presented) The system of claim 23, wherein the content asset information stored in the media asset table...(see rejection of claim 23 above),

The combination does not explicitly teach:

... further includes purchase data

Abb teaches:

... further includes purchase data ((Abb) FIG. 1, FIG. 12, FIG. 3, FIG. 8). Both the combination and Abb are directed toward accessing source data, Abb teaches that source data can be purchased. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention apply a known technique to a known method ready for improvement to yield predictable results

In reference to Claim 50:

The combination teaches:

(Previously Presented) The system of claim 21 (see rejection of claim 21 above), The combination does not teach:

...wherein the device profile information further includes a media device identification of the media device.

Abb teaches:

...wherein the device profile information further includes a media device identification of the media device ((Abb) Col 68 lines 41-49)

Both the combination and Abb are explicitly directed toward accessing source material for computer device. The combination teaches explicitly of source material and devices needing to be compatible. Abb teaches device identifiers to coordinate with license to control source access within the criteria of the provider. The combination teaches limited accessibility to protect the rights of the source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings the combination and Abb to further protect the content by coordinating the device and license with the source.

In reference to Claim 61:

The combination teaches:

(Currently amended) The system of claim 16 (see rejection of claim 16 above), wherein the set of new usage rights...

The combination does not explicitly teach:

... comprises a right to store (copy) the accessed purchased media asset on a specified device ((Abb) Col 2 lines 55-64, Col 3 lines 1-10)

Both the combination and Abb are explicitly directed toward accessing source material for computer device. The combination teaches explicitly of source material and devices needing to be compatible. Abb teaches device identifiers to coordinate with license to control source access within the criteria of the provider. The combination teaches limited accessibility to protect the rights of the source provider. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings the combination and Abb to further provide access to the source material.

15. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,822,663 B2 by Wang et al. (Wang) and in view of US Patent No. 7,395,438 B2 by Parks et al. (Parks) as applied to claims 16 and 23 above, and further in view of US Patent No. 7,213,005 B2 by Maurad et al. (Mau)

In reference to Claim 51:

(Previously Presented) The system of claim 23, (see rejection of claim 23 above) wherein the content asset information further includes...

The combination does not teach explicitly:

... a media asset identity, a media asset title, and a media asset category.

Mau teaches:

... a media asset identity, a media asset title, and a media asset category ((Mau) FIG. 14, FIG. 23-24, Fig. 30-38).

Both the combination and Mau are explicitly directed toward acquiring source material from a source provider. Therefore, it would have been obvious to one of

ordinary skill in the art at the time of the invention to use a known technique to improve similar methods in the same way

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pub No. 2003/0061165 A1 by Okamoto et al is cited for teaching a Media Usage Management system. US Patent No. 6,895,392 B2 by Stefik et al. is cited for being directed toward Usage rights. US Patent No. 6,070,171 by Snyder et al. is cited for being directed toward system and method for copy tracking distribution with usage controls. US Patent No. 7,542,568 B2 by Ohmori et al. is cited for teaching encryption and copywrite protections. US Pub No. 2002/0165826 A1 by Yamamoto is cited for teaching system and method for administering usage rights. US Pub No. 2003/0055678 A1 by Nakayama et al is cited for being directed toward Use Right management. US Patent No. 7,167,564 B2 by Asano et al. is cited for teaching an information processing system.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY GREGG whose telephone number is (571)270-5050. The examiner can normally be reached on 4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 5712726712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. G./
Examiner, Art Unit 3694
/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694